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**PROPOSED CONSERVATION MEASURE FOR BOTTOM  
FISHING ACTIVITIES IN THE CCAMLR AREA**

Delegation of the USA

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# PROPOSED CONSERVATION MEASURE FOR BOTTOM FISHING ACTIVITIES IN THE CCAMLR AREA

## Abstract

This proposal recommends the adoption of a Conservation Measure to protect vulnerable marine ecosystems from bottom fishing activities that have significant adverse impacts on such ecosystems in the CCAMLR area.

## Background

1. On December 8, 2006, the United Nations General Assembly (UNGA) adopted, by consensus, its resolution 61/105, which contains detailed provisions calling on States, both individually and collectively through regional fisheries management organizations (RFMOs) with the competence to regulate bottom fisheries, and the Food and Agriculture Organization (FAO) to take specific actions to protect vulnerable marine ecosystems (VMEs)<sup>1</sup> from bottom fishing activities that would have significant adverse impacts on such ecosystems<sup>2</sup>.
2. The relevant provisions of Resolution 61/105 for RFMOs such as CCAMLR are:

*OP83. Calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to adopt and implement measures, in accordance with the precautionary approach, ecosystem approaches and international law, for their respective regulatory areas as a matter of priority, but not later than December 31, 2008:*

- (a) To assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorized to proceed.*
- (b) To identify vulnerable marine ecosystems and determine whether bottom fishing activities would cause significant adverse impacts to such ecosystems and the long-term sustainability of deep sea fish stocks, inter alia by improving scientific research and data collection and sharing, and through new and exploratory fisheries;*
- (c) In respect of areas where vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, are known to occur or are likely to occur based on the best available scientific information, to close such areas to bottom fishing and ensure that such activities do not proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems; and*

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<sup>1</sup> For the purposes of this measure, “vulnerable marine ecosystems” include seamounts, hydrothermal vents, cold water corals and sponge fields.

<sup>2</sup> The text of UNGA Resolution 61/105 can be found at [www.un.org/Depts/los/general\\_assembly/general\\_assembly\\_resolutions.htm](http://www.un.org/Depts/los/general_assembly/general_assembly_resolutions.htm).

*(d) To require members of the regional fisheries management organizations or arrangements to require vessels flying their flag to cease bottom fishing activities in areas where, in the course of fishing operations, vulnerable marine ecosystems are encountered, and to report the encounter so that appropriate measures can be adopted in respect of the relevant site;*

*OP84. Also calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to make the measures adopted pursuant to paragraph 83 of the present resolution publicly available;*

3. On November 3, 2006, CCAMLR adopted Conservation Measure 22-04 imposing a ban on the use of deep-sea gillnets, and Conservation Measure 22-05 applying restrictions on bottom trawling in the Convention area for the period until 2009. CCAMLR also asked its Scientific Committee to investigate the use and effects of these fishing gears and to discuss in 2007 relevant criteria for determining what constitutes significant harm to benthos and benthic communities.
4. In UNGA Resolution 61/105, all UN Members (including all CCAMLR Members) made a number of commitments that are not currently reflected in Conservation Measures 22-04 and 22-05, such as the assessment of whether individual bottom fishing activities would have significant adverse impacts on VMEs, the closure of certain areas to bottom fishing where VMEs are known to occur or are likely to occur until conservation and management measures to prevent significant adverse impacts on VMEs are established, and what actions to take if a VME is encountered in the course of fishing operations.
5. Furthermore, Resolution 61/105 does not focus on a particular gear type, as Conservation Measures 22-04 and 22-05 do; rather, it uses the broader language of “bottom fisheries,” which would include other bottom gears, such as bottom trawl nets, bottom-set longlines, bottom-set gillnets, and pots and traps.
6. UNGA Resolution 61/105 calls upon CCAMLR and other RFMOs with the competence to regulate bottom fisheries to adopt specific measures for regulating bottom fisheries to protect VMEs by 31 December 2008. In particular, if CCAMLR has not taken action to adopt conservation and management measures in respect of areas where VMEs are known to occur or are likely to occur, based on the best available scientific information, to prevent significant adverse impacts to such ecosystems, the UNGA Resolution calls for the closure of those areas and for States to cease authorization of such fishing. Thus, all CCAMLR Members have a strong incentive to work diligently on this issue and consider how to ensure that CCAMLR fully implements the provisions of UNGA Resolution 61/105.
7. In January 2007, the participants in the consultations to establish a fisheries management arrangement for the North Western Pacific adopted interim measure for bottom fisheries on the Emperor Seamounts, which are fully consistent with OPs 83 and 85 of UNGA Resolution 61/105.

8. In May 2007, negotiations to establish the South Pacific Regional Fisheries Management Organization (SPRFMO) also resulted in the adoption of interim measures for bottom fisheries in the area proposed to be covered by the SPRFMO, which are fully consistent with OPs 83 and 85 of UNGA Resolution 61/105.
9. UNGA Resolution 61/105 also requested the FAO to develop standards and criteria for use by States and RFMOs in identifying VMEs and the impacts of fishing on such ecosystems. In March 2007, FAO agreed to develop Technical Guidelines for the management of deep sea fisheries on the high seas, including standards and criteria for identifying VMEs and the impacts of fishing activities on such ecosystems. The development of the Guidelines began with an FAO Expert Workshop, which was held in June 2007. An Expert Consultation is scheduled for September, followed by a Technical Consultation in February 2008. It is expected that the Guidelines will be completed in the first quarter of 2008.
10. In light of the above, the United States proposes that CCAMLR, at its Twenty-sixth meeting, adopt a Conservation Measure along the lines of the attached draft.

## **Attachment**

### Proposed draft text of a Conservation Measure for bottom fishing activities in the CCAMLR area

The Commission,

Noting that the objective of the CCAMLR is the conservation of Antarctic marine living resources and that, pursuant to Article II (2) of the Convention, the term “conservation” includes rational use;

Recognizing the commitment made by CCAMLR Members to implement an ecosystem approach to fisheries management by embracing principles of conservation as stated in Article II of the Convention;

Conscious of the urgent need to protect vulnerable marine ecosystems from bottom fishing activities that have significant adverse impacts on such ecosystems;

Noting that United Nations General Assembly Resolution 61/105, adopted on December 8, 2006, calls on Regional Fisheries Management Organizations with the competence to regulate bottom fisheries to adopt and implement measures to prevent significant adverse impacts of bottom fisheries on vulnerable marine ecosystems and noting further that all CCAMLR Members joined in the consensus by which this Resolution was adopted;

Aware that the Secretary General will report on such measures taken by States and Regional Fisheries Management Organizations in his report to the United Nations General Assembly in 2009;

Aware that States participating in negotiations to establish a new regional fishery management organization for the South Pacific that would have responsibility for an area contiguous to the CCAMLR Area have, in May 2007, adopted interim measures designed in part to give effect to the provisions of UNGA Resolution 61/105 relating to bottom fishing activities;

Aware of the steps already taken by CCAMLR to address the impacts of deep sea gillnetting and bottom trawling in the Convention Area, through the implementation of Conservation Measures 22-04 and 22-05 respectively,

hereby adopts the following Conservation Measure in accordance to Article IX of the Convention:

#### Management of bottom fishing

1. Until November 30, 2008, the expansion of bottom fishing activities into new locations of the Convention Area where such fishing is not currently occurring is prohibited. In addition, bottom fishing effort or catch in the Convention Area, whichever is achieved first, shall be limited to existing levels<sup>3</sup> in terms of the number of fishing vessels and other parameters that reflect the level of catch, fishing effort, and fishing capacity.
2. Starting on December 1, 2008, Contracting Parties whose flagged vessels intend to engage in any bottom fishing activities in new locations of the Convention Area or to increase bottom

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<sup>3</sup> Existing levels of fishing effort or catch means the average annual levels over the period January 1, 2002 to December 31, 2006.

fishing effort or catch beyond existing levels, shall follow the procedures described in paragraph 7 below.

3. Bottom fishing is prohibited in locations where vulnerable marine ecosystems are known to occur or are likely to occur based on the best available scientific information, unless CCAMLR Conservation Measures or other mitigation measures proposed by the relevant Contracting Party have been established to prevent significant adverse impacts on vulnerable marine ecosystems.
4. Contracting Parties shall require vessels flying their flag to cease bottom fishing activities within five (5) nautical miles from any location in the Convention Area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered. For all such encounters, vessel masters shall document the location and the type of ecosystems in question and shall report this information to both the Contracting Party and to the Secretariat so that appropriate measures can be adopted by the Commission in respect of the relevant site. Such sites will be treated in accordance with paragraph 7 below.
5. For the purposes of this measure, the term “vulnerable marine ecosystems” includes, *inter alia*, seamounts, hydrothermal vents, cold water corals and sponge fields.
6. For the purposes of this measure, the term “bottom fishing activities” includes the use of bottom trawls and dredges, bottom-set gillnets, pots, traps, and longlines.

#### Assessment of bottom fishing

7. All individual bottom fishing activities commencing with the 2008/2009 season and thereafter shall be subject to assessment, based on the best available scientific information, to determine if they would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is determined that these activities would have such impacts, that they are managed to prevent such impacts or are not authorized to proceed. The assessments shall be according to the following procedures:
  - a. Each Contracting Party proposing to participate in bottom fishing in the Convention Area shall submit to CCAMLR’s Scientific Committee its assessment of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems. These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts. These assessments shall be made publicly available on CCAMLR’s web site.
  - b. Assessments shall take into account relevant international technical guidelines, including those developed by the Food and Agriculture Organization (FAO) in its International Guidelines for the Management of Deepwater High Seas Bottom Fisheries, regarding standards, criteria or specifications for identifying vulnerable marine ecosystems and the impacts of fishing activities on such ecosystems that may have been developed.

- c. The Scientific Committee shall design standards for reviewing the assessments and, upon review of the assessments and mitigation measures proposed by the relevant Contracting Party, shall provide advice to the Commission and to the Contracting Party that submitted the assessment. The Scientific Committee may use in its review additional information available to it that in its view is relevant and reliable. These reviews shall be made publicly available on CCAMLR's web site.
  - d. The Commission may, on the basis of the advice and recommendations provided by the Scientific Committee concerning bottom fishing activities in the Convention Area, and any other information that the Secretariat might have obtained in relation thereto, adopt Conservation Measures that, as appropriate, *inter alia*, prohibit or restrict bottom fishing activities within particular areas, require specific mitigation measures for bottom fishing activities, prohibit or restrict bottom fishing with certain gear types, or contain any other relevant requirements or restrictions.
  - e. The Contracting Party shall take into account the assessments submitted under sub-paragraph (a) above, the advice provided by the Scientific Committee as described in sub-paragraph (c) above, and any conclusions of the Commission as described in sub-paragraph (d) above, and determine whether to authorize its flagged vessels to undertake the proposed bottom fishing activities and require such vessels to implement mitigation measures to prevent significant adverse impacts; provided that all such bottom fishing complies with CCAMLR's Conservation Measures, and that no other Conservation Measure prohibits such fishing activities.
  - f. Contracting Parties shall notify the Secretariat of the mitigation measures required under sub-paragraph (e) above and a list of the vessels to which the measures apply. This information shall be made publicly available on CCAMLR's web site.
- 8. Notwithstanding the above, consistent with Conservation Measure 21-01 (2006), bottom trawling in the high-seas areas of the Convention Area will constitute new fisheries and will require approval of the Commission for specific areas before proceeding.
  - 9. Biennially, the Commission will examine the impact of these measures to protect vulnerable marine ecosystems from significant adverse impacts, based upon advice from the Scientific Committee.

#### Monitoring and control of bottom fishing activities

- 10. Contracting Parties shall appoint observers to each vessel flying their flag that undertakes bottom fishing activities in the Convention Area, according to the standards established in CCAMLR's Scheme of International Scientific Observation.

#### Data collection and sharing and scientific research

- 11. The Scientific Committee shall develop guidelines for Contracting Parties' assessment submissions, including data collection and reporting standards.

12. The Scientific Committee shall, based on the best available scientific information, advise the Commission on locations where vulnerable marine ecosystem are known to occur or are likely to occur in the Convention Area. Contracting Parties shall provide the Scientific Committee with all relevant information to assist in this work. The Secretariat shall maintain an inventory of all known vulnerable marine ecosystems in the Convention Area for circulation to all Contracting Parties and to the FAO.
13. Every Contracting Party shall collect, verify and provide data on the bottom fishing activities of vessels flying its flag, in accordance with the standard procedures outlined by the Scientific Committee for the collection, reporting, verification and exchange of data.
14. Scientific bottom fishing research activities are authorized only in accordance with a research plan that has been submitted to the Secretariat for distribution to the Scientific Committee and all Contracting Parties, preferably 60 days prior to the commencement of that activity, provided that scientific research cruises that involve 10 tonnes or less of catch shall not be required to submit such a research plan. Contracting Parties will provide promptly a report of the results of such scientific research activities to the Secretariat for circulation to all Contracting Parties.